



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 22, 2020

BY ECF AND EMAIL

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: United States v. Mustapha Raji, 19 Cr. 870 (JMF)

Dear Judge Furman:

The Government writes to request that time under the Speedy Trial Act be excluded until February 7, 2020 or upon the defendant's arrival in this district, whichever date is earlier.

On December 20, 2019, the defendant was arrested in the Southern District of Florida and the above-referenced Indictment was unsealed. Because the defendant sought additional time to retain private counsel, his detention hearing ultimately occurred on January 7, 2020. On that date, U.S. Magistrate Judge Lurana S. Snow ordered the defendant detained on the ground that there were no conditions which could reasonably assure the defendant's appearance as required and ordered the defendant removed to the Southern District of New York. Based on the Government's review of the Notice of Transfer, it appears that the defendant had not retained private counsel by the time of his detention hearing, but was instead represented at his detention hearing by counsel appointed under the Criminal Justice Act. The Government has communicated with the defendant's CJA counsel via email and was informed that CJA counsel was appointed to represent the defendant in all matters in the Southern District of Florida only. Therefore, to the best of the Government's knowledge, the defendant does not currently have counsel, and will need to retain counsel or have counsel appointed upon his arrival in this district.


The U.S. Marshal Service has informed the Government that Raji is scheduled to arrive in the Southern District of New York at some time in the first week of February. The Speedy Trial Act provides that "delay resulting from any proceeding relating to the transfer of a case or the removal of any defendant from another district under the Federal Rules of Criminal Procedure" is excluded from computing the time within which trial must commence. *See* 18 U.S.C. § 3161 (h)(1)(E). The Speedy Trial Act also provides that "delay resulting from transportation of any defendant from another district, or to and from places of examination or hospitalization" is excluded, "*except that any time consumed in excess of ten days from the date an order of removal*

or an order directing such transportation, and the defendant's arrival at the destination shall be presumed to be unreasonable." See 18 U.S.C. § 3161(h)(1)(F) (emphasis added).

In the time period since the defendant has been arrested, the Government has been preparing Rule 16 discovery. In this case, the discovery is substantial—consisting of multiple email search warrant returns and voluminous bank records. The Government submits that the ends of justice are served by the requested exclusion of time so that the Government can complete its preparation of Rule 16 discovery and thereby promptly provide a copy to the defendant upon his arrival in this district.

Respectfully submitted,

GEOFFREY S. BERMAN
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